



THE STATE BAR OF CALIFORNIA

OFFICE OF THE STATE BAR COURT

180 HOWARD STREET, 6TH FLOOR, SAN FRANCISCO, CALIFORNIA 94105-1639

Dear Applicant:

Thank you for your interest in becoming a State Bar Court Judge. Enclosed for your use in applying are the following:

~ Fact Sheet

~ Application Form (Parts 1, 2 and 3)

All three parts of the application **must be received no later than 5:00 p.m. on Friday, July 26, 2002**. Applications received after that date and time will not be considered. You are strongly encouraged to submit your application as soon as possible, not only to avoid any problems with the strict deadline, but also to maximize time for processing, receipt of evaluations and full consideration.

The Applicant Evaluation and Nomination Committee (AENC), created by the California Supreme Court, will screen and evaluate applications for appointment or reappointment to the State Bar Court. The appointment of the State Bar Court Review Judge will be made by the California Supreme Court. The Supreme Court will appoint one Hearing judge position for a term that will expire in November 2004. The Speaker of the Assembly will appoint the other Hearing Judge position to a term that will expire in November 2008. Both Hearing Judge positions are located in Los Angeles. The Review Judge position may be located in either Los Angeles or San Francisco. The AENC will rate all applicants and submit the ratings to the Supreme Court and to the appropriate appointing authorities in October 2002.

Confidential applicant evaluation forms will be sent to the evaluators you provide in your application packet and to a broad spectrum of persons, including frequent practitioners before the State Bar Court, as well as the court itself and its staff. Personal interviews with the Applicant Evaluation and Nomination Committee will be scheduled for selected applicants in October.

The independent State Bar Court is a unique and important component of California's outstanding attorney discipline system. We sincerely appreciate your interest in making a significant contribution by becoming a Hearing or Review Judge of the State Bar Court.

Very truly yours,

Scott J. Drexel

Enclosures



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STATE BAR COURT REVIEW AND HEARING JUDGE FACT SHEET

The California Supreme Court's Applicant Evaluation and Nomination Committee is seeking qualified candidates to serve as either a State Bar Court Review Judge or a State Bar Court Hearing Judge commencing on November 1, 2002.

The State Bar Court is the independent, adjudicative entity acting as an administrative arm of the California Supreme Court to hear and decide attorney disciplinary and regulatory proceedings and to make recommendations to the Supreme Court regarding those matters. The State Bar Court consists of a three-member Review Department and a Hearing Department composed of five full-time hearing judges in Los Angeles and San Francisco.

The position of Review Judge has been 60% of full time and is currently compensated at the rate of \$83,685 per year i.e., 60% of the salary of the Presiding Judge. The work schedule and compensation of the Review Judge may be increased at the discretion of the Supreme Court in light of the Review Department's caseload. This position is located in either San Francisco or Los Angeles. The Review Judge position will be appointed by the Supreme Court to a six-year term.

The Hearing Judge positions are full-time positions. The salary for Hearing Judges is currently \$127,372. These positions are located in Los Angeles. Generous fringe benefits for these positions have been established pursuant to rules and regulations adopted by the State Bar's Board of Governors. One position is to be appointed for a six-year term and the appointment will be made by the Speaker of the Assembly. The other Hearing judge will fill the unexpired term of a resigned Hearing judge; that position will be filled by the Supreme Court and will expire in November 2004.

Qualifications

A State Bar Court Judge:

- ~ Shall have been a member of the State Bar of California for at least five years;
- ~ Shall not have any record of the imposition of discipline as an attorney in California or any other jurisdiction; and

- ~ Shall meet the requirements established by rule 961 of the California Rules of Court and Government Code section 12011.5 [industry, legal and judicial experience (including prior service as a judge of the State Bar Court), judicial temperament, honesty, objectivity, community respect, integrity, and ability].

Job Descriptions

The primary responsibility of a State Bar Court Review Judge is to act as a member of the three-judge intermediate appellate panel to review decisions and orders of State Bar Court hearing judges on a *de novo* basis upon the request of one or both parties to the proceeding. In addition, the State Bar Court Review Judge acts as part of the three-member appellate panel in acting upon requests for emergency or interlocutory relief in pending attorney disciplinary and regulatory proceedings and in acting upon matters delegated to the State Bar Court pursuant to rule 951 of the California Rules of Court. The duties of the Review Judge include: reviewing and analyzing the record of proceedings before the State Bar Court Hearing Department, participating in periodic Review Department conferences and in oral argument and writing both published and unpublished opinions detailing all material findings of fact, conclusions of law and a decision or recommendation for discipline or other appropriate disposition of the proceeding. Each Review Judge must manage the preparation and decision of the individual cases to which he or she is primarily assigned on an expeditious and efficient basis and must cooperate with the other judges of the Review Department in the consideration and disposition of the court's caseload.

The responsibilities of a State Bar Court Hearing Judge are to hear and decide attorney disciplinary and other State Bar regulatory cases, to make written recommendations to the Supreme Court regarding the imposition of discipline or other appropriate disposition in those matters and to perform related judicial duties. The duties of the hearing judge include: scheduling and holding status, settlement and pretrial conferences; hearing motions; scheduling and holding trials; writing decisions and orders detailing all material findings of fact and conclusions of law; and issuing other orders as necessary. Each hearing judge must manage his or her caseload expeditiously and efficiently.

In carrying out his or her duties, each State Bar Court judge is subject to the administrative direction of the Presiding Judge of the State Bar Court and must cooperate with other judges and court officials in the administration of court business, including preparing administrative reports and attending periodic judicial conferences.

Appointment and Term

The State Bar Court Review Judge position is appointed by the California Supreme Court and may be located in either Los Angeles or San Francisco. The appointment to this position will be for a six-year term commencing November 1, 2002.

The State Bar Court Hearing Judge positions are located in Los Angeles and will commence on November 1, 2002. The Speaker of the Assembly will appoint one of the Hearing judges to a six-year term expiring November 1, 2008. The Supreme Court will appoint the other Hearing Judge position to fill the unexpired term of a resigned State Bar Court judge. The term of that appointment will expire on November 1, 2004.

State Bar Court Judges have the same immunity which attaches to judges of California courts of record and are subject, during their terms, to admonition, censure, removal or retirement upon the same grounds as provided for judges of courts of record.

Review and Rating of Applicants for Appointment

Pursuant to rule 961 of the California Rules of Court, the Supreme Court has created the Applicant Evaluation and Nomination Committee to solicit, receive, screen and evaluate all applications for appointment or reappointment to any appointive position of judge of the State Bar Court. Only applicants found to be qualified by the Committee or by the Supreme Court may be appointed.

The Committee will submit its evaluation or rating of the applicants and its recommendation for appointment to the Supreme Court and to the Speaker of the Assembly on or before October 24, 2002

An extensive professional and personal history, references and background investigation, and personal interview may be required. Early applications are highly encouraged. **THE DEADLINE FOR RECEIPT OF APPLICATIONS IS 5:00 P.M. ON FRIDAY, JULY 26, 2002.**

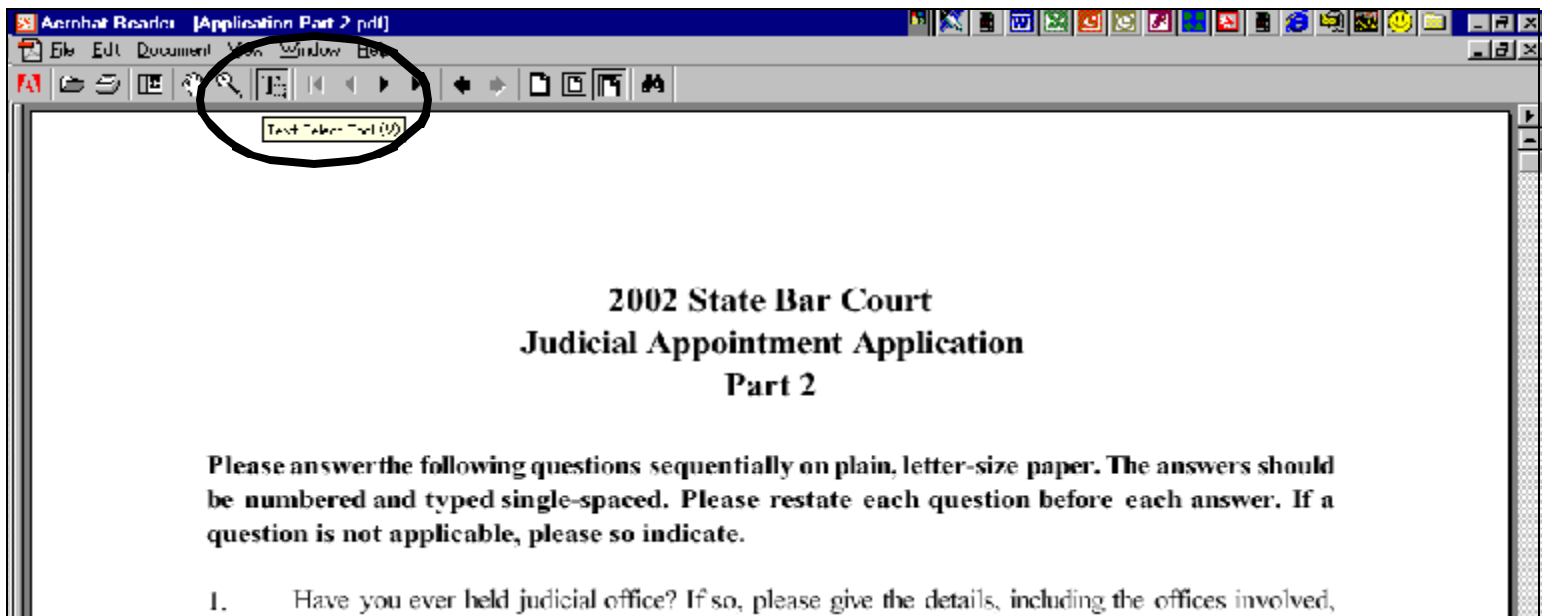
Application forms and questionnaires are available on the State Bar's website at www.calbar.ca.gov For further information or to request an application packet by mail, please write or call:

The State Bar of California
Office of the State Bar Court – JUDGE
180 Howard Street, 6th Floor
San Francisco, CA 94105-1639
(415) 538-2001

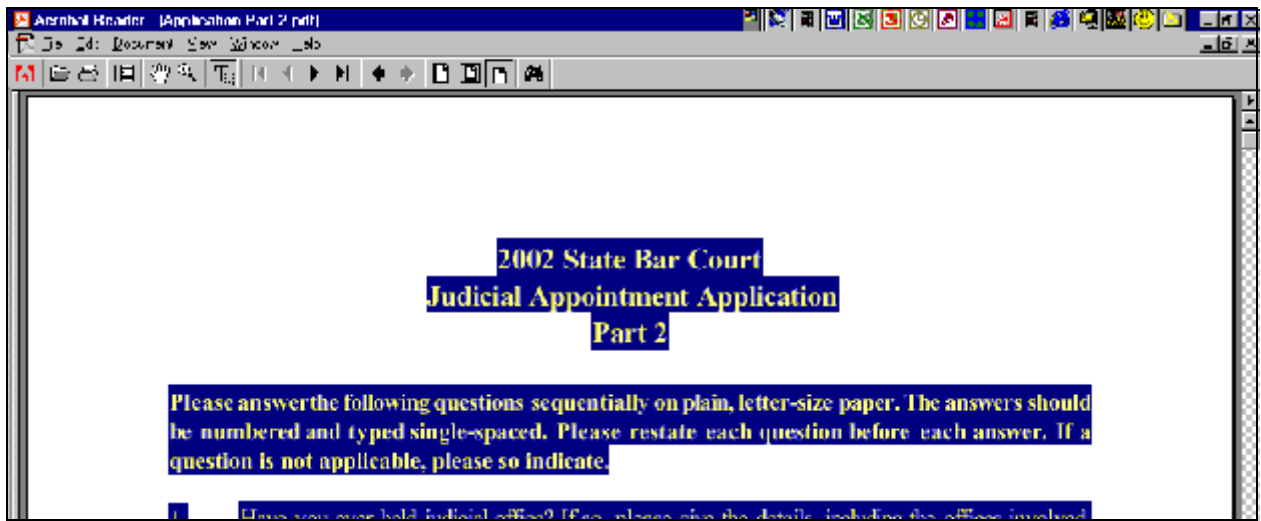
Instructions for Adobe version of Judicial Application Form

Welcome and thank you for applying for the State Bar Judicial position(s). The next several pages of this document are the application form for these positions. This document has been posted in two formats: Microsoft Word and Adobe Acrobat. You have selected the Adobe Acrobat version. Below are some facts and suggestions that may help with this application.

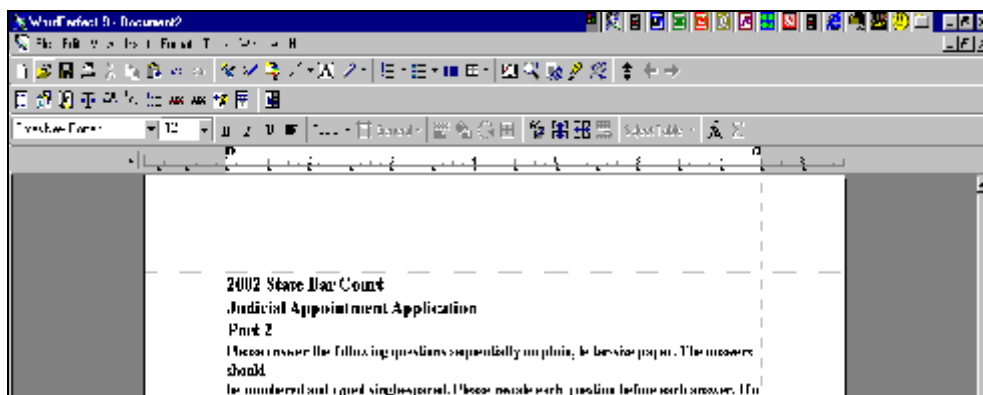
1. Part 1 of this application (Adobe format) is interactive. You can fill out this form on your computer and print it out. This applies to Part 1 only (pages 7 and 8 of this document). However, if you wish, you can print out the entire document and fill it out manually.
2. Part 2 of the application requires detailed responses. In your responses, you will need to re-state each question in your responses. If you have Microsoft Word, it is suggested that you download the Word version of the application form and use that document for your responses to Part 2. You will not need to re-type the questions. Other word processing software may be able to read the Word document as well (WordPerfect, Works, Lotus).
3. If you do not have access to Word, you should be able to copy and paste the text from the Adobe Acrobat version of Part 2 of the application into another word processing application. To copy and paste:
 - a. With the Adobe Acrobat version of the document on your screen, select the “Text Select Tool (V)” icon on the header. See the image below as an example



- b. Select the text on pages 3-7 of this Adobe document by dragging your cursor from the beginning of page 3 to the end of page 7. (See below)



- c. Once the text is selected, press the “CTRL” and “C” keys simultaneously. This copies the text.
- d. Switch over into your word processing program and paste the text by typing the “CTRL” and “V” keys simultaneously. This will paste the text into your word processing program. The text may not be formatted properly, but at least you won’t have to re-type all the questions. (See below.)



- e. You can easily re-format the document to enable you to respond to the questions.
4. Part 3 of this document only requires a signature and date.

2002 State Bar Court Judicial Appointment Application Part 1

1. State Bar Court Judge Position Sought:

The State Bar Court has three positions that are being filled: two for the Hearing Department in Los Angeles, the other for the Review Department which can be located in either Los Angeles or San Francisco. Please select the position(s) you are applying for. Please select venue if applying for the Review Department position:

☐ Review (Please specify venue)

☐ Los Angeles

☐ San Francisco

☐ Either

☐ Hearing (Los Angeles)

Select one (or more) of the following appointing bodies, as appropriate:

☐ Supreme Court (expires 11/1/04)

☐ Speaker of the Assembly (expires 11/1/08)

Check all that apply:

☐ I am willing to work full-time as necessary

☐ I am willing to work part-time as necessary

2. Personal Information

Last Name

First Name

Middle

Social Security Number

Driver's License Number

Address where you wish to be contacted. (You must list street address. P.O. Box is not acceptable.)

Street Address

Apt.

City

State

Zip

Contact Information:

Home Phone: ()

Message phone: ()

Business Phone: ()

E-mail address:

To complete our records, please indicate all other names you have used while working or going to school:

Have you ever been employed by the State Bar of California in any capacity? If so, please provide job title(s) and dates of employment:

California Bar Admission Date:

State Bar Number:

If you are NOT a citizen of the U.S., are you legally allowed to work in the U.S.?

☐ Yes If yes, enter your alien registration number here:

☐ No

3. Educational History—Colleges and Graduate Schools

School	To	From	Degree Received
School	To	From	Degree Received
School	To	From	Degree Received
School	To	From	Degree Received

4. Professional Work History

List all employment, starting with your most recent position. Please attach additional pages if necessary. Include job-related volunteer experience. If you were unemployed for any period during the last ten years, state the nature of your activities during that time.

Position		Employer Name		
Address	City	State Zip	From (Date) / /	To (Date) / /
Position		Employer Name		
Address	City	State Zip	From (Date) / /	To (Date) / /
Position		Employer Name		
Address	City	State Zip	From (Date) / /	To (Date) / /
Position		Employer Name		
Address	City	State Zip	From (Date) / /	To (Date) / /
Position		Employer Name		
Address	City	State Zip	From (Date) / /	To (Date) / /

2002 State Bar Court
Judicial Appointment Application
Part 2

Please answer the following questions sequentially on plain, letter-size paper. The answers should be numbered and typed single-spaced. Please restate each question before each answer. If a question is not applicable, please so indicate.

1. Have you ever held judicial office? If so, please give the details, including the offices involved, whether elected or appointed, and the periods of your service.
2. Are you now, or have you ever been, a candidate for judicial office? If so, what offices were involved and were the position(s) elected or appointed?
3. Do you have any other judicial experience, such as serving as a commissioner, magistrate, judge pro tempore or as an arbitrator or as a mediator, either privately or through a judicial arbitration or mediation program? If so, please describe the nature and extent of your experience, including the dates of your service.
4. List all courts in which you are admitted to practice, including the dates of admission to each court.
5.
 - (a) List all bar associations and legal professional societies in which you are or have been a member and give the titles and dates of any offices you have held and committees on which you have served which you believe to be of particular significance.
 - (b) List all organizations and clubs, other than the bar associations and professional societies identified in response to Question 5(a), in which you have been a member, including the titles and dates of any offices you have held in such groups.
6. Describe the nature and extent of any free legal services you have provided to nonprofit organizations, indigent individuals and others, including the names and addresses of such organizations and/or individuals where appropriate.
7. Describe the nature and extent of your involvement in community affairs.
8.
 - (a) Have you ever been convicted of any felony, misdemeanor or infraction or the violation of any law, regulation or ordinance?
 - (b) Are you currently awaiting trial for any such incident?

- (c) Have you ever been held in contempt of court or sanctioned in excess of \$1,000 by any court?
- (d) Have you ever been granted immunity in lieu of criminal prosecution?
- (e) Have you, to your knowledge, ever been under federal, state or local investigation for possible violation of a criminal statute?

If your answer to any of the above questions is “yes”, please give the details. (Do not include traffic violations unless the violation (i) involved the use of alcohol or drugs; (ii) was connected with an accident; or (iii) resulted in a penalty other than a fine or forfeiture of bail not exceeding \$250.00.)

- 9. As an attorney or judicial officer, have you ever been disciplined or cited for a breach of ethics or professional conduct or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, please give the details.
- 10. If you have ever served in the State Bar’s disciplinary system, please give the dates of service, positions held and the nature of the work performed.
- 11. Please limit your answers to the following to a total of not more than one page:
 - (a) Why do you want to be a State Bar Court judge?
 - (b) Why do you believe you are qualified?
- 12. What is the general nature of your law practice? Indicate the nature of your typical clients and state any legal specialties you possess. If the nature of your practice has been substantially different in the past, please give the details, including the prior nature of your practice and the time period(s) involved.
- 13.
 - (a) Do you regularly appear in court? If so, what percentage of your court appearances in the last five years was in (i) state courts of record; (ii) federal courts; and (iii) other courts or administrative tribunals or agencies?
 - (b) What percentage of your litigation in the last five years was (i) civil; and (ii) criminal?
 - (c) What percentage of your trials in the last five years were (i) jury; and (ii) non-jury?

14. If you regularly represent clients in litigation, list the last ten (10) trials or significant litigated matters in which you participated, including (a) the names and addresses of counsel for other parties to the litigation; and (b) the names of the judges before whom the matters were tried or litigated.
15. If you do not regularly represent clients in litigation, list the names and addresses of counsel who represented other parties in your last ten (10) significant transactional or equivalent matters.
16. If you are a judicial officer or retired judicial officer, list the names and addresses of all counsel who have appeared in court before you in the last ten (10) trials or other significant proceedings.
17. Have you ever been engaged in any occupation, business or profession other than the practice of law? If so, please give the details, including dates.
18.
 - (a) If you are currently an officer or director of any business organization or otherwise engaged in the management of a business enterprise, please give details, including the name of the enterprise, the nature of the business, your position title, the nature of your duties and the term of your service;
 - (b) If it is not your intention to resign from such position(s) and give up any other participation in the management or any of the foregoing enterprises, please so state and give reasons.
19. Have you ever been sued by a client? If so, please give the details, including a summary of facts, allegations and relevant dates; the name, current address and telephone number of each attorney in the case; and the disposition of the case.
20. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, please provide the details, including the amounts involved and the name, current address and telephone number of the claimant and claimant's counsel.
21. Have you ever been a party or otherwise involved in any other legal proceedings (other than as attorney for a party)? If so, give the details. Do not list proceedings in which you were only a guardian *ad litem* or stakeholder but include all proceedings in which you were a real party in interest, material witness, named as a co-conspirator or co-respondent, and any grand jury investigation in which you were a subject or appeared as a witness. Please provide the name, current address and phone number for the parties in each case.
22. Have you filed appropriate tax returns required by federal, state, local and other government agencies? If not, provide an explanation, including the amount at issue, date and resolution.

23. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? If so, give the details, including the amount at issue, the date and the current status of the claim or other collection procedure.
24. Are there any unsatisfied judgments against you or are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by a decree or order of any court (including any orders for child and spousal support)? If so, please give the full details.
25. Have you ever been charged in any civil, criminal or administrative action with conduct alleged to involve moral turpitude, dishonesty and/or unethical conduct? If so, please provide the details, including the applicable dates and the names and current addresses and telephone numbers of the counsel for the adverse parties.
26. If allegations (irrespective of their accuracy) have been printed, broadcast or made public concerning you, your activities or any statements you have made, which reflect adversely on your character or job performance, please give details and explain.
27. Describe any aspects of your personal, business, professional or military conduct which may reflect either positively or adversely on you which you believe should be disclosed prior to further consideration of you for appointment to judicial office.
28. Have you published any legal books or articles? If so, please list them, giving the citations and publication dates.
29. List any honors, prizes, awards or other forms of recognition you have received.
30. Travel between the State Bar Court's venues in Los Angeles and San Francisco will be required. Is there anything that would preclude such travel on your part?
31. Are you able, with or without reasonable accommodation, to perform the duties and responsibilities of a State Bar Court judge? Those duties and responsibilities include, among other things:
 - ~ Attentively receiving, analyzing and concentrating on information for a total of eight or more hours within a workday of reasonable duration;
 - ~ Perceiving a courtroom clearly, reviewing all types of evidence, including witness testimony and exhibits;
 - ~ Reviewing and processing substantial volumes of information originally presented in written form (e.g., legal briefs, cases, exhibits and transcripts);
 - ~ Comprehending oral presentations, arguments and testimony of attorneys, witnesses and others;

- ~ Absorbing, analyzing and weighing complex factual and legal issues quickly and accurately;
- ~ Responding to situations with discretion, judgment and restraint, while under pressure; and
- ~ Preparing written orders, decisions and opinions, making all appropriate findings of fact, conclusions of law and disposition or recommended disposition.

32. Please attach a sample of your legal writing. The sample should not exceed 25 pages.
33. Please prepare and enclose with your application, mailing labels with the names and addresses of fifteen(15) individuals who are reasonably likely to have knowledge of your qualifications including, but not limited to, your industry, legal and judicial experience, judicial temperament, honesty, objectivity, community respect, integrity and ability. In addition, please prepare and separately enclose with your application, mailing labels with the names and addresses of the judges, counsel and others you have identified in your responses to Questions 14, 15, 16, 19, 20, 21, 22, 23, 24, 25 and 28.
34. Please sign and date your application and state, under penalty of perjury, whether the information contained in your application is true and correct.

**2002 State Bar Court
Judicial Appointment Application
Part 3**

I hereby authorize any governmental, licensing or law enforcement agency, including but not limited to, agencies of the government of the United States of America, and agencies of the State of California, employers, educational institutions and other individuals and agencies (hereinafter collectively referred to as "agencies") to release to the State Bar of California any and all information which said agencies or any of them may have about me, for the limited purpose of aiding the State Bar of California and the Supreme Court's Applicant Evaluation and Nomination Committee in evaluating my qualifications for appointment to the State Bar Court. This release extends to any and all information which said agencies or any of them have about me, whether public, personal or confidential. I understand that I will not receive and am not entitled to know the contents of confidential reports received from these agencies and I further understand that these reports are privileged.

I hereby release, discharge and exonerate the agencies, their agents and representatives and any person furnishing information from any and all liability of every nature and kind arising out of the furnishing and inspection of such documents, records or other information. I also waive the provisions of Code of Civil Procedure section 1542, which states as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which, if known by him, must have materially affected his settlement with the debtor."

This release shall be binding on my legal representatives, heirs and assigns.

I declare each of the answers to the questions in this application to be complete and true to the best of my knowledge. I understand that this application, other information and the record of confidential evaluation forms will be forwarded to the Supreme Court if I am interviewed or nominated.

Applicant's signature

Date

Parts 1 through 3 of this 2002 State Bar Court Judicial Appointment Application must be received no later than 5:00 p.m. on Friday, July 26, 2002 at the following address:

The State Bar of California
Office of the State Bar Court – JUDGE
180 Howard Street, 6th Floor
San Francisco, California 94105-1639